

REMARKS

Reconsideration of the present application is respectfully requested.

I. Status of the Claims

Claims 1 and 10 have been amended. No new matter is added. Support for the Amendment can be found in Figs. 4a, 4b, 4c, and 5.

Claims 1-20 are pending.

II. Rejections under 35 U.S.C §102

Claims 1, 8, 10, 17 and 19-20 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,005,440 to Amberntsson et al. ("Amberntsson"). Applicants respectfully traverse the rejection made by the Examiner for the reasons discussed below.

Amended claims 1 and 10 recite an inkjet cartridge for dispensing a predetermined amount of fluids comprising "a plurality of capillary tubes having a uniform diameter."

Amberntsson discloses printing heads for an ink jet printer comprising "capillary tubes that taper in the direction from the channel." Amberntsson, column 1, line 66. The tapered capillary tubes are shown in Figs. 11 and 13. Thus, Amberntsson does not disclose or suggest capillary tubes having a uniform diameter. For at least this reason, amended claims 1 and 10 patently define over the cited art. Claims 8, 17 and 19-20 depend on claims 1 or 10 and are allowed based at least on their dependance on the independent claims.

III. Rejections under 35 U.S.C. §103(a)

Claims 1-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cowger et al. (US Pat. 5,047,790) in view of Feenstra et al. (U.S. Pat. 4,421,706) and further in view of Friedman et al. (U.S. Pat. 6,235,473).

Cowger discloses a controlled capillary ink containment for ink-jet pens comprising a print head 18, a reservoir 12, and capillary members 10. The capillary members 10 are thin, flat sheets of wettable material, or wettable outer surface positioned in the reservoir 12. *See*, Cowger, column 2, lines 55-59. Thus, Cowger does not disclose capillary tubes.

Regarding Feenstra, the reference discloses a printing head for an ink jet printer comprising jet nozzle ducts 3 with protruding constructions 15. Thus, Feenstra does not disclose capillary tubes “having a uniform diameter.”

Friedman discloses gene pen devices for array printing comprising multiple tubes that are tapered and not uniform in shape. *See*, Friedman’s Figures. Thus, Friedman does not disclose capillary tubes “having a uniform diameter.”

Further, one of ordinary skill in the art would not combine the three references given the disclosure and suggestions of Cowger, Feenstra, and Friedman.

Thus, Cowger, Feenstra and Friedman do not, alone or in combination, disclose or suggest capillary tubes “having a uniform diameter.” Thus, amended claims 1 and 10 patently define over the cited art. Claims 2-9 and 11-20 depend on independent claims 1 or 10 and are allowed based at least on the independent claim.

CONCLUSION

In view of the above amendments, Applicants believe the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below once he has reviewed the proposed amendment if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

Dated: March 27, 2006

Respectfully submitted

By 

Louis J. DelJudice

Registration No.: 47,522

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant